

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

WP(C).No. 24086 of 2007(P)

PETITIONER:

TRIKALANJOOR SREE MAHADEVA DEVOSWAM
TRUST, REPRESENTED BY ITS MANAGER,
SRI.R.KRISHNAN POTI, PLASANATHU MADOM,
KALANJOOR.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS:

1. SUB INSPECTOR OF POLICE, KODAL
POLICE STATION, KODAL.
2. THE SUPERINTENDENT OF POLICE,
PATHANAMTHITTA.
3. C.RAJESH, S/O.BALAKRISHNAN NAIR,
PATHIRIKKAL P.O., PATHANAPURAM, WORKING AS
ASSISTANT IN CRL APPEAL SECTION,
HIGH COURT OF KERALA, ERNAKULAM.
4. N.J.JAYAKUMAR, S/O.JAYACHANDRAN,
JAYACHANDRA BHAVANAM, KALANJOOR P.O.

BY ADV. SRI.NIDHI BALACHANDRAN (FOR R3)
SRI.VINCENT JOSEPH (FOR R4)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

- EXT. P1: COPY OF THE TRUST DEED CREATED BY THE RAMARU POTI AND OTHERS, DATED 30-04-1990.
- EXT. P2: COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT, DATED 10-06-2007.
- EXT. P3: COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT, DATED 02-07-2007.

RESPONDENT'S EXHIBITS:

- EXT. R3(A): COPY OF THE BYE LAW OF THRIKKALANJOOR MAHADEVA SEVA SANGHAM REGISTERED ON 15/11/1982.
- EXT. R3(B): COPY OF THE NOTICE PRINTED IN THREE LANGUAGES ISSUED BY THE SON OF THE RAMARU POTTI ON BEHALF OF THE SEVA SANGHAM.
- EXT. R3(C): COPY OF THE NOTICES EVIDENCING ACTIVITIES DONE IN THE TEMPLE UNDER THE LEADERSHIP OF THE THRIKKALANJOOR MAHADEVA SEVA SANGHAM.
- EXT. R3(D): COPY OF THE PHOTOGRAPHS EVIDENCING THAT OFFICE OF THRIKKALANJOOR MAHADEVA SEVA SANGHAM IS SITUATED IN THE TEMPLE COMPLEX.
- EXT. R3(E): COPY OF THE STATEMENT OF INCOME AND EXPENDITURE CIRCULATED BY THE THRIKKALANJOOR MAHADEVA SEVA SANGHAM.
- EXT. R3(F): COPY OF MUNUTS DATED 30/4/06 BY WHICH THE 3RD RESPONDENT WAS APPOINTED AS THE SECRETARY OF THE SANGHAM.
- EXT. R3(G): COPY OF MINUTS DATED 20/5/07 OF THE GENERAL BODY BY WHICH THE 4TH RESPONDENT WAS APPOINTED AS THE SECRETARY OF THE SANGHAM.
- EXT. R3(H): COPY OF THE INTERIM ORDER DATED 15/3/05 IN W.P.(C) 8633/05 OF THIS HONOURABLE COURT.
- EXT. R3(I): COPY OF THE PHOTOGRAPH EVIDENCING THE THRIKKALANJURAPPAN PURASKARAM ORGANISED BY THE SANGHAM.
- EXT. R3(J): COPY OF NOTICES ISSUED EVIDENCING THE CELEBRATIONS CONDUCTED DURING JANUARY 4 AND 11 IN 2007.
- EXT. R3(K): COPY OF NOTICES EVIDENCING THE CELEBRATIONS OF NAVARATHRI FESTIVAL ORGANISED BY THRIKKALANJOOR MAHADEVA SEVA SANGHAM.

EXT. R3(L): COPY OF THE LIST OF MEMBERS OF THE THRIKKALANJOOR MAHADEVA SEVA SANGHAM FOR THE YEAR 2007-2008.

EXT. R3(M): COPY OF THE NOTICE DATED 4/6/07 ISSUED BY THE PRESIDENT OF THRIKKALANJOOR MAHADEVA SEVA SANGHAM TO THE 3RD RESPONDENT.

EXT. R3(N): COPY OF THE NOTICE DATED 5/6/07 CONTAINING MALICIOUS STORIES ISSUED BY THE PRESIDENT OF THRIKKALANJOOR MAHADEVA SEVA SANGHAM.

EXT. R3(O): COPY OF THE LEGAL NOTICE DATED 27/6/07 ISSUED BY THE 3RD RESPONDENT TO THE PRESIDENT OF THRIKKALANJOOR MAHADEVA SEVA SANGHAM.

/TRUE COPY/

P.A. TO JUDGE

JP

K.BALAKRISHNAN NAIR &

HARUN-UL-RASHID, JJ.

W.P.(C) NO. 24086 OF 2007-P

Dated 18th August, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner, which is a Trust, claims the right to administer the Trikalanjoor Sree Mahadevar Temple at Kalanjoor in Pathanamthitta district. The respondents 3 and 4 seriously dispute the said claim.

2. It is common case that the dispute between them concerning the right to manage the temple is pending before the competent civil court. In view of the above position, police protection sought for administering the temple cannot be granted. But, we feel that the police should take effective steps to maintain peace in the temple and its premises. We notice the submission made by the learned Government Pleader that at present there is no law and order problem. In case there is any breach of peace, the petitioner or the party respondents, as the case may be, may move the police. In that event, the police shall take active steps to maintain law and order in the area. It is made clear that the contentions of both the parties

regarding the right to administer the temple are kept open.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

HARUN-UL-RASHID, JUDGE.

Nm/